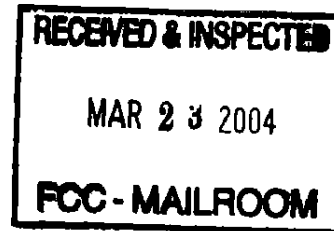




4 March 2004

Ms. Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554



**Re: SEI Data, Inc.**

**CC Docket No. 96-45**

**Petition for Waiver of Filing Deadlines in 47 C.F.R 54.802(a)**

Dear Ms Dortch:

Enclosed please find an original and four (4) copies of the above-referenced Petition for Waiver. Pursuant to Section 1.1105 of the Commission's rules, no filing fee is associated with requested waivers of Part 54 rules.

Respectfully submitted,

Mr. Mike Leach  
General Manager  
SEI Data, Inc.  
P.O. Box 7  
Dillsboro, IN 47018  
812-667-5100

Enclosures:  
Original petition and four (4) copies

No. of Copies rec'd  
List ABCDE

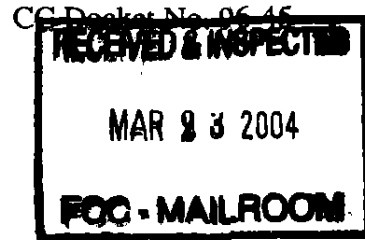
*CT4*

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In re )  
 )  
SEI Data, Inc. )  
 )  
 )  
Petition for Waiver of Filing Deadline )  
In 47 C.F.R. 54.802(a) )



**WAIVER – EXPEDITED ACTION REQUESTED**

**PETITION OF SEI DATA, INC.  
FOR WAIVER OF DEADLINE IN 47 C.F.R. 54.802(a)**

SEI Data, Inc. (“SEI”), pursuant to Sections 1.3 and 1.925 of the Commission’s rules,<sup>1</sup> hereby petitions the Commission for waiver of the December 31, 2003 filing deadline for line count data set forth in Section 54.802(a)<sup>2</sup> of the Commission’s rules and requests that the Commission accept its data submitted on March 4, 2004 as being timely filed.

SEI is a competitive eligible telecommunications carrier (“CETC”) in the State of Indiana, and is eligible to receive rural high-cost universal service support as a competitive ETC in a designated price cap service area served by Verizon Communications. SEI receives Interstate Access Support (“IAS”) for a CETC offering in price cap Study Area 320779 under CETC Study Area Code 329009.

SEI received ETC designation from the Indiana Utility Regulatory Commission (IURC) shortly before the September 30, 2003 filing deadline for 4<sup>th</sup> Quarter 2003 IAS support. SEI obtained its CLEC Study Area Code and made all necessary certification and line count filings in order to receive support for October, November, and December 2003 IAS support. SEI also had the required current Form 498 on file with the Universal Service Administrative Company (USAC). But due to some confusion over the information on the Form 498, SEI’s support payment for October 2003 was delayed beyond the normal payment cycle. October support was eventually received in conjunction with the November 2003 support payment, near the end of December 2003.

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1. See 47 C.F.R.1.3; 47 C.F.R. 1.925.
  2. See 47 C.F.R. 54 802(a)

Due to changes in SEI personnel, as well as confusion over the change in IAS fund administrators that took place near the end of 2003, SEI's required line count filing due December 31, 2003 (showing its September 30, 2003 line count) was not filed on a timely basis with USAC. Upon discovery of this omission, SEI made the required filing with USAC on March 4, 2004. SEI has also made its subsequent IAS line count filing due March 30, 2004, showing its December 31, 2003 line count, so that it may resume receipt of IAS support in 2<sup>nd</sup> Quarter 2004.

### **REQUEST FOR WAIVER**

SEI understands very well the extreme importance of making timely data and certification filings by all ETCs, and regrets that an error of omission occurred with regard to its December 31, 2003 quarterly IAS support filing. The Commission will find that SEI has otherwise met all data and certification deadlines relating to its Competitive ETC offering. But due to personnel changes at SEI, confusion over the late receipt of its October 2003 support payment, and confusion over the change in IAS fund administrators, a one-time error occurred that resulted in the missed filing deadline.

Section 1.3 of the Commission's rules provides the Commission with discretion to waive application of any of its rules upon showing of good cause. In addition, Section 1.925(b)(3) provides for waiver where it is shown that:

- (i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that grant of a waiver would be in the public interest; or
- (ii) In view of unique or unusual factual circumstances of the instant case, application of the rules would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.

SEI takes no issue with the reasonableness of the Commission's rules requiring timely data submissions by ETCs, and recognizes the importance of compliance with these rules. SEI contends that the underlying purpose of these rules, however, is to ensure that the Commission and USAC are able to properly project, collect, and distribute all universal service mechanisms in a timely and accurate manner. While SEI regrets its filing error, the error has only impacted SEI's 1<sup>st</sup> Quarter 2004 IAS payments totaling approximately \$4000. While denial of this waiver would create economic harm for SEI, granting of the waiver request will not place an undue burden on USAC or negatively impact the stability of the IAS fund.

Because SEI took immediate corrective action upon discovery of its omission of the December 31, 2003 filing, SEI contends that denial of its IAS support for an entire quarter would frustrate the underlying purpose of the line count filing rules, and would not serve the public interest. The SEI offering that is the subject of this waiver has been approved for ETC status by the IURC, and proper use of the IAS support provided has been certified by SEI with the Commission and with USAC. SEI had full ETC

designation during the period in question, and continued to provide quality, competitive service to end users during this time. Therefore, denial of IAS support during the 1st Quarter of 2004 would not be in the public interest.

For the reasons stated above, SEI feels that it has shown good cause for waiver of this filing deadline under Section 1.3 of Commission rules. SEI has also shown justification for the waiver at the Commission's discretion under Section 1.925(b)(3). The waiver would serve the public interest by allowing SEI to receive uninterrupted IAS support in 2004 for its Competitive ETC offering. Expedited action is requested so that USAC may accept SEI's recently-submitted line count filing (using September 30, 2003 data) as timely, despite being filed after the December 31, 2003 filing deadline. SEI thanks the Commission for its consideration of this waiver request.

Respectfully submitted,

**SEI Data, Inc.**

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By: Mr. Mike Leach  
General Manager  
SEI Data, Inc.  
P.O. Box 7  
Dillsboro, IN 47018  
812-667-5100

On: 4 March 2004